IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

ST.Rev..No. 310 of 2005()

TA.400/2002 of COMMR.KERALA AGR.IT & STAT,TVM.
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REVISION PETITIONER/APPELLANT/ASSESSEE.

S.VISWANATHAN, SIVARAM ELECTRICALS,
PALAYAM, THIRUVANANTHAPURAM.

BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
SRI.K.M.FIROZ

RESPONDENT: RESPONDENT/REVENUE.

THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. GEORGEKUTTY MATHEW.

THIS SALES TAX REVISION HAVING BEEN FINALLY HEARD ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR & K.M.JOSEPH, JJ.

S.T.REV. No. 310 OF 2005

Dated this the 6th day of November, 2006.

JUDGMENT

Ramachandran Nair, J.

Heard Senior Counsel appearing for the petitioner and the Government Pleader appearing for the respondent. The question raised is against addition to the turn over sustained by the Tribunal. Place of business of the petitioner, who was an electrical goods dealer, was inspected on 17.1.1998 and stock variation to the tune of Rs.6,00,990/- was detected. Petitioner admitted the offence of non-maintenance of books of account and paid compounding fee of Rs.60,500/-. The variation noticed was for a period of two and a half months. Therefore estimation for suppression was made for the whole year at four times of the actual variation detected. This was reduced by the First Appellate Authority to three times, which was confirmed by the Tribunal. Even though counsel contended that addition is excessive and arbitrary, and compounding fee was paid under pressure, we do not find any ground to interfere with the estimation confirmed by the Tribunal because this court has in the decision reported in **Siva Traders v. State of Kerala**

((1993) 89 STC 186) held that when suppression is noticed, there is nothing wrong in assuming suppression for the whole year and estimating turnover for the whole year. Having regard to the period for which suppression is noticed and amount of suppression found, which was admitted by the petitioner by paying compounding fee, we do not think that the addition sustained by the Tribunal is excessive or arbitrary.

We therefore confirm the order of the Tribunal and dismiss the Sales Tax Revision.

(C.N.RAMACHANDRAN NAIR, JUDGE)

(K.M. JOSEPH, JUDGE)

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K.S.RADHAKRISHNAN & K.M.JOSEPH, JJ.

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W.A. No. OF 200

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JUDGMENT

Dated this the day of February, 200.